

**TREMONTON CITY CORPORATION  
CITY COUNCIL MEETING  
May 19, 2015**

Members Present:

Diana Doutre

Lyle Holmgren (arrived at 6:02 p.m.)

Jeff Reese

Bret Rohde

Byron Wood

Roger Fridal, Mayor

Shawn Warnke, City Manager

Darlene S. Hess, Recorder

**CITY COUNCIL WORKSHOP**

Mayor Fridal called the May 19, 2015 City Council Workshop to order at 6:00 p.m. The meeting was held in the City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren (arrived at 6:02 p.m.), Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Zoning Administrator Steve Bench (arrived at 6:03 p.m.), Public Works Director Paul Fulgham, Police Chief David Nance (arrived at 6:14 p.m.), and Treasurer Sharri Oyler.

1. Review of agenda items on the 7:00 p.m. Council Meeting:

The Council reviewed the May 19, 2015 Agenda with the following items being discussed in more detail:

**UTOPIA** – Kirt Sudweeks from UTOPIA noted that revenues are continuing to grow and helping to reduce the operational shortfall (OpEx). The base amount for OpEx went from \$160K to \$100K. It is projected that the OpEx will be gone before June of 2016. There will be new construction in areas with open trenches. Some subdivisions will be built out in Tremonton before the end of the year. Mr. Sudweeks anticipates that an additional 250 homes in Tremonton will have fiber available.

Gary Jones noted that most of the major business areas have been built out throughout the network with the focus on major and light industrial businesses. Mr. Jones commented that Main Street in Tremonton has fiber available. UTOPIA will now focus on getting fiber to residential areas that do not currently have any. Tremonton has put conduit in new areas which is greatly appreciated and will help in getting fiber to more homes. The take rate across the network is currently 25%. The highest take rate is 48% in Lindon and the lowest is 13%. There have been some restart issues getting residents signed up but UTOPIA is working hard to fix those issues. It is very helpful to know of any problems that arise so they can be addressed.

Kimberly McKinley, also with UTOPIA, stated that the overall take rate in Tremonton for business and residential is 14%, with the residential take rate a little higher than business take rate. Mr. Jones stated there were 304 connections in the City at the beginning of May, with an additional 14 signing up since May 1<sup>st</sup>. There have been 38 new connections since the beginning of the year. The support from the City and the Council has made a big difference. UTOPIA will continue to market green addresses (addresses which have fiber available for service).

Councilmember Dautre asked if the UTOPIA website has been updated. Some addresses that currently have UTOPIA show up on the website as unavailable. Mr. Jones believes that problem has been fixed but noted it is a continual battle to keep the addresses with service available up-to-date. Some search engines have a hard time recognizing addresses in Utah. If people in Tremonton enter their address and find that service is unavailable, they can call in and speak to a representative for clarification. Ms. McKinley commented that addresses entered into the website are being reviewed to see if service is in fact available. Those addresses found to have service available will be marketed.

UTOPIA has sent several direct mail pieces to residents in Tremonton along with social marketing and digital advertising. The service providers working with UTOPIA told Ms. McKinley they would do more advertising in the area. There will be another mailer sent the end of June and a demo trailer will be in the area in the fall. People can come to the demo trailer and try the services out and talk to representatives. Mr. Jones noted that the two year agreement, with no installation fees, will be available as long as RUS (Rural Utility Services) lawsuit settlement funds are available. Mr. Sudweeks envisions the funds being available for the next twelve months. Mr. Jones remarked that flyers are being sent out throughout the network and noted that the first time the demo trailer went out was a big success. It is very helpful for residents to be able to test the connections and see what is offered.

Mr. Jones noted two of the network providers offer a television package. Beehive added cable two years ago and Veracity offers video packages. UTOPIA has brokered an arrangement with service providers to offer video through Yondoo. UTOPIA did not seek to do video but inherited Yondoo. There are currently three signed contracts with Yondoo to date. There will be a minimum of five providers offering Yondoo by the end of summer or early fall. Yondoo will offer the fifty most watched channels for \$50 plus the price for a box. Five additional channels can be added for \$5 or ten channels for \$10 per month.

UTOPIA is not very competitive with small business rates; however, it is very competitive with big businesses rates. There have been discussions with a huge corporation that is moving to Midvale. The corporation is moving to Midvale because of the redundant fiber UTOPIA is offering. There is essentially no difference between a residential connection and a small business connection, except the business connections

are guaranteed a four hour response time. Mr. Jones noted that UTOPIA continues to have conversations with Frontier about porting phone numbers, but at this time numbers cannot be ported.

Mr. Sudweeks stated there is an 8:00 a.m. meeting each morning to discuss new installs and find what is working well and what needs work. Mr. Jones told the Council there are five, soon to be six, technicians that work on re-connects and do trouble ticketing. The area from Tremonton to Payson has been divided into three sections with a technician dedicated to each section. New installs are contracted out with TCB.

Mr. Sudweeks noted there is one city that has never paid anything to OpEx and three cities are not currently paying. The OpEx is calculated by 50% of the pledge payment and 50% of the build out of the city. The cities that are not paying are reminded at board meetings that the payments have not been made and will not be forgotten.

Councilmember Reese noted that UTOPIA is moving in the right direction and thanked Mr. Sudweeks, Mr. Jones, and Ms. McKinley for their hard work. Mr. Sudweeks explained that UTOPIA has a very dedicated and loyal staff that works very hard. Some of the RUS (Rural Utility Services) money was set aside to do a refresh on the network. Mr. Jones stated that the funds will also be used for more capacity to keep up with the demand. Councilmember Rohde asked the UTOPIA representatives to continue working on getting better pricing for small businesses, as there are several in Tremonton.

Councilmember Reese is in favor of paying the OpEx. Things are looking up and moving in the right direction. Councilmember Wood would like the other cities to be accountable for their portion of OpEx. It is not right that the contributing cities are compensating the difference for the cities which are not paying OpEx.

**Letter encouraging residents to join UTOPIA** – Manager Warnke noted that Ms. McKinley offered some suggestions or changes to the letter.

**Ordinance No. 15-05** – Councilmember Rohde remarked that the Planning Commission voted unanimously, except one, to recommend Ordinance No. 15-05. The presentation went well, and Ms. Snell brought pictures to Planning Commission showing the work done on the inside of the building. Mayor Fridal asked if the repairs needed on the outside of the building can be required for the permit. Zoning Administrator Bench explained that part of the conditional use permit will be to allow the code enforcement officer access on a regular basis. Councilmember Rohde noted that the Health Department has to do inspections as well as others. Zoning Administrator Bench commented that repairs to the outside are planned, and will be completed, if Ordinance No. 15-05 is approved.

**Ordinance No. 15-06** – Zoning Administrator Bench noted that Ordinance No. 15-06 is regarding the Industrial and Agriculture Protection Area. Manager Warnke said that if an agriculture protected area were annexed into the City there is a provision in the State

Code that is similar to a re-evaluation. The area surrounding the City that is agriculture protected is currently in the County.

The meeting adjourned at 6:56 p.m. by consensus of the Council.

### **CITY COUNCIL MEETING**

Mayor Fridal called the May 19, 2015 City Council Meeting to order at 7:04 p.m. The meeting was held in the Tremonton City Council Meeting Room at 102 South Tremont Street, Tremonton, Utah. Those in attendance were Mayor Fridal, Councilmembers Doutre, Holmgren, Reese, Rohde, and Wood, City Manager Shawn Warnke, and Recorder Darlene S. Hess. The following Department Heads were also present: Zoning Administrator Steve Bench, Public Works Director Paul Fulgham, Police Chief David Nance, and Treasurer Sharri Oyler. Also in attendance were: Linsey Nessen, Human Resources; Nick Nessen, Police Department; and Trevon Cutler, Fire Department.

1. Opening Ceremony:

Mayor Fridal informed the audience that he had received no written or oral request to participate in the Opening Ceremony. He asked anyone who may be offended by listening to a prayer to step out into the lobby for this portion of the meeting. The prayer was offered by Councilmember Doutre and the Pledge of Allegiance was led by Councilmember Reese.

2. Introduction of guests:

Mayor Fridal welcomed members of the Utah Municipal Clerk's Association (UMCA), Kevin Christensen with the Bear River Valley Health Department, and members of Bear River Valley Association of Governments (BRAG).

3. Approval of Agenda:

Mayor Fridal asked if there were any changes or corrections to the Agenda. No comments were made.

**Motion by Councilmember Reese to approve the agenda of May 19, 2015.** Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

4. Public comments: Comments limited to three minutes:

There were no public comments.

5. Public Hearing:

Mayor Fridal called a Public Hearing to order at 7:06 p.m. to consider adopting the Tentative Annual Budget entitled “The Tremonton City Annual Implementation Budget 2015-2016 (General Fund, Capital Fund(s), Enterprise Fund(s), and Special Fund(s)”, for the period commencing July 1, 2015 and ending June 30, 2016. There were twenty-two (22) people in attendance.

Manager Warnke noted the Final Budget is scheduled to be adopted June 16, 2016. It is anticipated there will be some changes to the budget before the Final Budget is adopted.

There were no comments public comments.

Mayor Fridal closed the Public Hearing at 7:08 p.m.

6. Request(s) to be on the agenda:

- a. Special recognition of Linsey Nessen, Deputy Recorder – Utah Municipal Clerk Association (UMCA) and BRAG Area Group of the UMCA

Colleen Mulvey and Susan Farnsworth are members of the board and are representing UMCA. Ms. Mulvey thanked the Mayor and Council for the time to recognize Ms. Nessen for getting her certification. UMCA provides members educational and networking opportunities to help them be professional and knowledgeable. UMCA works with the International Institute of Municipal Clerks (IIMC) along with the University of Utah who provides the educational programs. To become a Certified Municipal Clerk (CMC) you must complete university level courses totaling 60 points and 50 points from work related experience. One point is received for every two hours in class. It takes a lot of time to earn a CMC. Ms. Mulvey commended the City for recognizing that earning a CMC helps improve skills, creates better relationships with citizens, and provides more professionalism. Ms. Mulvey presented Ms. Nessen with a plaque showing her designation as a CMC.

The Council congratulated Ms. Nessen on her accomplishment and thanked the members of UMCA and BRAG for coming.

7. New Council Business:

- a. Discussion and consideration of approving Resolution No. 15-19 adopting the Tentative Annual Budget entitled “The Tremonton City Annual Implementation Budget 2015-2016 (General Fund, Capital Fund(s), Enterprise Fund(s), and Special Funds)”, for the period commencing July 1, 2015 and ending June 30, 2016

Councilmember Dautre asked why there was an amount included for Garland

City Cemetery. Manager Warnke noted it was related to the taxing district. Manager Warnke would be willing to set up a discussion with Councilmember Doutre and the County for further clarification. Councilmember Doutre explained that some residents in Tremonton use to be in the County but have since been annexed into Tremonton and now pay taxes for Garland and Tremonton cemeteries. It is double taxation. Manager Warnke anticipates that the boundaries would have to be amended.

**Motion by Councilmember Rohde to approve Resolution No. 15-19 and adopt the Tentative Annual Budget.** Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Councilmember Doutre thanked Manager Warnke for his work on the Tentative Annual Budget.

- b. Discussion and consideration of a letter to be sent to Tremonton residents encouraging residents to learn more about Tremonton's community-owned fiber network

The Council supported the letter, including the changes Ms. McKinley suggested.

**Motion by Councilmember Holmgren to authorize the City to send out a letter describing UTOPIA.** Motion seconded by Councilmember Wood. Councilmember Holmgren noted that the letter would go out with the utility bill. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- c. Discussion and consideration of authorizing the City to pay the invoiced amount of Tremonton City's proportionate share of UTOPIA operational shortfall

Manager Warnke noted that the total for two quarters is about \$26K. The Council noticed that the OpEx went down about \$6K from last quarter. If the Council approves the payment of OpEx it would make the City's OpEx current to the end of June 2016. Councilmember Reese sees progress being made at UTOPIA.

**Motion by Councilmember Reese to approve the payment for operational shortfall.** Motion seconded by Councilmember Holmgren. Councilmember Wood does not like having to pay the OpEx but does not see that the Council has a choice. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

- d. Discussion and consideration of approving ambulance write-offs for non collectable accounts as bad debt

Treasurer Oyler presented the write-offs for the year for bad debt that cannot be collected. The debts have been sent to collections with no response. The total amount of \$65,505.83 covers from July 2014 to May 2015. Councilmember Doutre asked if the City ever sees money from these bad debts. Treasurer Oyler noted that most of the debtors do not have any money to collect. Councilmember Wood stated that Treasurer Oyler does a good job, but there just isn't anyway to collect some of the debts.

**Motion by Councilmember Wood to approve the ambulance write-offs.** Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Councilmember Rohde asked if the bad debt equaled 30% of total. Treasurer Oyler did not think it was that high.

- e. Discussion and consideration of adopting Ordinance No. 15-05 amending Title I – Zoning Ordinance of the Tremonton City Corporation Land Use Code, Chapter 1.08 Commercial and Industrial Districts, Section 1.08.010 Uses

Zoning Administrator commented that Ordinance No. 15-05 amends text that would allow tattoo and body art in the Highway Commercial District C-H, including all of the intersection at 1000 West Main Street. The Planning Commission held a public hearing last week and gave a favorable recommendation to the Council. Councilmember Rohde likes the work done to the building so far. The building has a lot of potential but the exterior needs work. Ms. Snell will be painting the outside of the building in a couple different tones in bright and neutral. Robyn Vanderhoof wants to keep the islands and lights and they will be painted so they match and look better. The electrical has been rewired in the building. There will be a sign at the top of the building.

Ms. Snell believes that Ms. Vanderhoof has agreed to sell or give the tower on the east of the building to the Fire Department. The facility will be set up in accordance with the health and zoning regulations of the State of Utah, Tremonton City, and other governing laws. My Style will offer services for all cosmetic wants for males and females. Services will be provided by professional, licensed independent contractors. Services will include, but are not limited to: massage therapy, reflexology, permanent makeup, tattoos, hair, nails, eyelash extensions, manicures, and pedicures.

Tattoos are more accepted now and are in such high demand that people will go to individuals homes or travel to other towns to acquire them. The business will have set business hours with occasional after-hours sessions for fundraisers, etc. Ms. Snell has the required blood-borne pathogen licensing to perform tattoos, which is renewed yearly. Ms. Snell also has an LLC and an EIN (Employee

Identification Number) set up for the business. Anyone wanting a tattoo will be required to show valid ID and sign a consent form. The tattooing area is in a separate part of the building to ensure the sterile environment. No one will be allowed to the tattoo area without permission.

No children or animals will be allowed at the spa to help preserve the relaxing environment. A lot of the tattoos that Ms. Snell does are memorial and/or inspirational. During the grand opening this Saturday, May 23, 2015, My Style will be having a fundraiser for Relay for Life. There will be raffles and fun things to do. The Council was invited to the grand opening to see what the spa has to offer. Ms. Snell thanked the Council for allowing My Style the chance show what an asset it can be to the community. There is a car show planned for the grand opening and there will be cheesecake, hotdogs, and burgers. Councilmember Reese noted how impressed he was with the work that has been done so far.

Councilmember Rohde commented on the traffic that goes by the building. It has a lot of exposure. Councilmember Rohde encouraged Ms. Snell to put some work into the outside of the building and improve the look. The weeds have all been removed from the front of the building and will be removed from the back as well. There will be flowers put out front and Ms. Vanderhoof spoke about repaving.

The text change makes it a conditional use. Zoning Administrator Bench noted some conditions will be sent to the City Attorney for review including: adhering to Health Department regulations; permitting frequent inspections from local code enforcement officials; the prohibiting of extreme body modification, which is removing skin to create a picture; no loitering of customers outside business; and posting signage with age restrictions and access to body art part of the building.

Chief Nance is concerned about parking. Ms. Snell commented that lines will be painted to designate parking stalls and no parking areas.

**Motion by Councilmember Rohde to adopt Ordinance No. 15-05 amending Title I Zoning Ordinance of the Tremonton City Land Use Code, and move forward with the Conditional Use Permit including the items suggested by Zoning Administrator Bench and parking issues mentioned by Chief Nance.** Motion seconded by Councilmember Holmgren. Roll Call Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved. Ms. Snell thanked the Council.

- f. Discussion and consideration of adopting Ordinance No. 15-06 adding to Title I Zoning Ordinance, approval – Legislative Decisions, Chapter 1.35 Industrial and Agriculture Protection Area; and amending/deleting from Chapter 1.31 Rezoning of Property, 1.31.010 Rezoning of Property Allowed; Chapter 1.34 Annexations,



1.34.030 Review and Approval Procedures; Title II Subdivision Ordinance, Chapter 2.04 Final Plats of the Tremonton City Land Use Code; and adding to Title 10 Fire Health, Safety and Welfare, Chapter 10-300 Nuisances, Part 10-310 Nuisances Generally, 10-311 and 10-331 of the Revised Ordinances of Tremonton City Corporation

Zoning Administrator Bench noted that Chapter 1.35 is a new chapter governing the Protection Area. The other chapters added wording that would direct back to Chapter 1.35. The Nuisance chapter clarifies that the area is protected from nuisance complaints. If other industries want to apply to the City for a protection area, it would go before the City Council then to the County.

**Motion by Councilmember Holmgren to adopt Ordinance No. 15-06.** Motion seconded by Councilmember Reese. Roll Call Vote: Councilmember Dautre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

9. Comments:

a. Administration/City Manager Advice and Consent.

1) There was no advice and consent.

b. Council Reports:

**Councilmember Wood** is grateful for the rain and asked how the Fire Department Steak Fry went. Trevon Cutler heard it brought in \$10K, which was higher than previous years.

**Councilmember Holmgren** commented that with the rainfall the water level is above 5" at Utah State University weather station.

Councilmember Wood asked Kevin Christensen if there have been problems with tattoo parlors in Cache County. Mr. Christensen noted there have been problems within the health district. The Ordinance the Bear River Health Department (BRHD) uses has been changed several times and the Board of Health is considering more changes. There have been discussions regarding criminal history in relation to licensing and other issues. There is a constant movement in the State to watch, monitor, and strengthen ordinances regarding tattoos. Mr. Christensen could not think of any huge issues that have come up, most have been small. Mr. Christensen noted that Ms. Snell still needs to contact the Health Department to get licensed and inspected, including permanent makeup. Mayor Fridal thanked Mr. Christensen for the information.

10. Adjournment.

**Motion by Councilmember Wood to adjourn the meeting and go into the RDA**

**meeting.** Motion seconded by Councilmember Doutre. Vote: Councilmember Doutre - aye, Councilmember Holmgren - aye, Councilmember Reese - aye, Councilmember Rohde - aye, and Councilmember Wood - aye. Motion approved.

The meeting adjourned at 7:40 p.m.

The undersigned duly acting and appointed Recorder for Tremonton City Corporation hereby certifies that the foregoing is a true and correct copy of the minutes for the City Council Meeting held on the above referenced date. Minutes were prepared by Cynthia Nelson.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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Darlene S. Hess, Recorder